

REMARKS

The claims are divided into group I containing claims 9-14, 36, 42, 45 and 48-50, drawn to creating a data structure, and group II containing claims 15-32, 38, 40, 43-44, 46-47, and 52-53, drawn to storing the data for the purpose of retrieval. Although group I and group II contain claims of different scopes, Applicant notes that both sets of claims relate to a data structure including a type column and a plurality of rows. Therefore, Applicant respectfully submits that claims 9-14, 36, 42, 45 and 48-50 should be examined with the claims of group II.

The restriction requirement states that the inventions of groups I and II are distinct because they are related as subcombinations disclosed as usable together in a single combination. More particularly, the Examiner states that the subcombinations are distinct if they are shown to be separately usable. The Examiner further asserts that subcombination I is drawn to creating a data structure having columns and corresponding rows, while the subcombination II is used to search or access [data] for any types of transactions.

Applicant respectfully traverses this assertion. Applicant respectfully asserts that the claims of groups I and II are not separately usable. More particularly, the claims of group I relate to a data structure including a plurality of rows and a type column. The claims of group II relate to storing data in the data structure recited in group I. Accordingly, Applicant respectfully submits that subcombination II cannot be used to search or access [data] for any type of transaction, as the Examiner suggests. Applicant therefore respectfully submits that the claims of groups I and II are not drawn to patentably distinct inventions.

Even if the claims are drawn to patentably distinct or independent inventions, MPEP § 803 provides that “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to

distinct or independent inventions.” Although the scope of the claims of group I and group II varies and Applicant agrees that the claims are patentably distinct, the two groups of claims both relate to a data structure including a type column and a plurality of rows. In fact, the claims of group II relate to storing data in the data structure recited in group I. Accordingly, Applicant respectfully submits that it would not unduly burden the examiner to simultaneously examine the claims of groups I and II.

Should the Examiner have any questions concerning this matter, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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